

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUEPOSITION, INC.)
 Plaintiff,)
)
vs.)
) Case No. 2:11-cv-4574 (RK)
LM ERICSSON TELEPHONE COMPANY,)
)
QUALCOMM INC.,)
)
ALCATEL-LUCENT USA INC.,)
)
and)
)
THIRD GENERATION PARTNERSHIP)
PROJECT, a/k/a/ 3GPP)
)
 Defendants.)
)
)

STIPULATION AND [PROPOSED] ORDER REGARDING EXPERT DISCOVERY

COUNSEL FOR THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. The parties to the above-captioned litigation (“Litigation”) have agreed to certain limitations on the scope of expert-related discovery and testimony for this case, as set out in this Stipulation.
2. The parties agree that expert disclosure and discovery in this Litigation is subject to the requirements and limitations of Federal Rule of Civil Procedure 26 in all respects, except that the following are not discoverable and need not be disclosed, unless they are relied upon by any Expert Witness in forming, supporting, or defending his or her opinions expressed in the Expert Witness’s written report, at deposition, or at trial:

- i. oral and written communications between any Expert Witness (including to or from persons acting on behalf of the Expert Witness) and any attorney (including persons acting on behalf or at the direction of the attorney) for the party who retained that Expert Witness;
- ii. oral and written communications between any Expert Witness and any non-attorney acting on behalf of, or in affiliation or association with, the Expert Witness regarding this Litigation; and
- iii. preliminary or intermediate calculations or data runs.

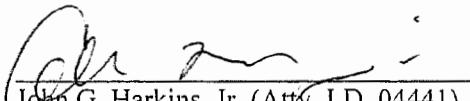
3. Nothing in Paragraph 2 shall be construed to prevent deposition, hearing, or trial questions relating to the substance of the Expert Witness's opinions (including alternative theories, methodologies, variables, or assumptions that the expert may or may not have considered in formulating his or her opinions or in preparing his or her written reports).

4. Nothing in this Stipulation shall be construed to alter or change the requirements of Federal Rule of Civil Procedure 26 concerning the disclosure of the compensation to be paid to the Expert Witness and to discovery of any communications between the Expert Witness and counsel relating to compensation, the number of hours expended by the expert in preparing his or her report and testimony, or relating to the frequency and duration of the expert's meetings with counsel.

5. The parties agree to comply with this Stipulation and Order pending the Court's approval and entry of this order.

Dated: September 23, 2013

STIPULATED AND AGREED TO BY:



John G. Harkins, Jr. (Atty. I.D. 04441)
Colleen Healy Simpson (Atty. I.D. 84956)
HARKINS CUNNINGHAM LLP
4000 Two Commerce Square
2001 Market Street
Philadelphia, PA 19103-7044
(215) 851-6700
jharkins@harkinscunningham.com
csimpson@harkinscunningham.com

Douglas E. Rosenthal
Seth D. Greenstein
Aymeric Dumas-Eymard
David Golden
Nneka Ukpai
Allison F. Sheedy
CONSTANTINE CANNON LLP
1301 K Street, NW, Suite 1050 East Tower
Washington, D.C. 20005
(202) 204-3500
drosenthal@constantinecannon.com
sgreenstein@constantinecannon.com
rdumas-eymard@constantinecannon.com
dgolden@constantinecannon.com
nukpai@constantinecannon.com
asheedy@constantinecannon.com

Gordon Schnell
Alycia Solow
Axel Bernabe
Jean Kim
Joel A. Chernov
Taline Sahakian
Daniel J. Vitelli
CONSTANTINE CANNON LLP
335 Madison Avenue, 9th Floor

Steven E. Bizar
BUCHANAN INGERSOLL & ROONEY PC
Two Liberty Place
50 S. 16th Street, Ste. 3200
Philadelphia, PA 19102-2555
steven.bizar@bipc.com

Peter C. Thomas
Conor A. Reidy
SIMPSON THACHER & BARTLETT LLP
1155 F Street, N.W.
Washington, DC 20004
pthomas@stblaw.com
creidy@stblaw.com

Kevin J. Arquit
Peri L. Zelig
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017-3954
karquit@stblaw.com
pzelig@stblaw.com

*Counsel for LM Ericsson Telephone
Company*

5. The parties agree to comply with this Stipulation and Order pending the Court's approval and entry of this order.

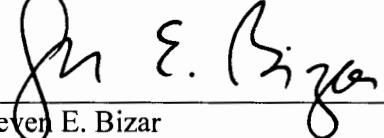
Dated: September 23, 2013

STIPULATED AND AGREED TO BY:

John G. Harkins, Jr. (Atty. I.D. 04441)
Colleen Healy Simpson (Atty. I.D. 84956)
HARKINS CUNNINGHAM LLP
4000 Two Commerce Square
2001 Market Street
Philadelphia, PA 19103-7044
(215) 851-6700
jharkins@harkinscunningham.com
csimpson@harkinscunningham.com

Douglas E. Rosenthal
Seth D. Greenstein
Aymeric Dumas-Eymard
David Golden
Nneka Ukpai
Allison F. Sheedy
CONSTANTINE CANNON LLP
1301 K Street, NW, Suite 1050 East Tower
Washington, D.C. 20005
(202) 204-3500
drosenthal@constantinecannon.com
sgreenstein@constantinecannon.com
rdumas-eymar@constantinecannon.com
dgolden@constantinecannon.com
nukpai@constantinecannon.com
asheedy@constantinecannon.com

Gordon Schnell
Alysia Solow
Axel Bernabe
Jean Kim
Joel A. Chernov
Taline Sahakian
Daniel J. Vitelli
CONSTANTINE CANNON LLP
335 Madison Avenue, 9th Floor


Steven E. Bizar
BUCHANAN INGERSOLL & ROONEY PC
Two Liberty Place
50 S. 16th Street, Ste. 3200
Philadelphia, PA 19102-2555
steven.bizar@bipc.com

Peter C. Thomas
Conor A. Reidy
SIMPSON THACHER & BARTLETT LLP
1155 F Street, N.W.
Washington, DC 20004
pthomas@stblaw.com
creidy@stblaw.com

Kevin J. Arquit
Peri L. Zelig
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017-3954
karquit@stblaw.com
pzelig@stblaw.com

Counsel for LM Ericsson Telephone Company

New York, N.Y. 10017
(212) 350-2700
gschnell@constantinecannon.com
asolow@constantinecannon.com
abernabe@constantinecannon.com
jkim@constantinecannon.com
jchernov@constantinecannon.com
tsahakian@constantinecannon.com
dvitelli@constantinecannon.com

Counsel for TruePosition, Inc.



Robert N. Feltoon
CONRAD O'BRIEN PC
1500 Market Street
Centre Square West Tower, Ste. 3900
Philadelphia, PA 19102-2100
rfeltoon@conradobrien.com

Roger G. Brooks
Yonatan Even
John D. Biancamano
CRAVATH, SWAINE & MOORE LLP
Worldwide Plaza
825 Eighth Avenue
New York, N.Y. 10019-7475
rbrooks@cravath.com
yeven@cravath.com
jbiancamano@cravath.com

Counsel for Qualcomm Inc.

Francis P. Newell
Peter Michael Ryan
COZEN O'CONNOR
1900 Market Street
Philadelphia, Pennsylvania 19103
fnewell@cozen.com
pryan@cozen.com

Ali M. Stoeppelwerth
Brian Boynton
Perry Lange
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
ali.stoeppelwerth@wilmerhale.com
brian.boynton@wilmerhale.com
perry.lange@wilmerhale.com

Counsel for Alcatel-Lucent USA Inc.

Robert N. Feltoon
CONRAD O'BRIEN PC
1500 Market Street
Centre Square West Tower, Ste. 3900
Philadelphia, PA 19102-2100
rfeltoon@conradobrien.com

Roger G. Brooks
Yonatan Even
John D. Biancamano
CRAVATH, SWAINE & MOORE LLP
Worldwide Plaza
825 Eighth Avenue
New York, N.Y. 10019-7475
rbrooks@cravath.com
yeven@cravath.com
jbiancamano@cravath.com

Counsel for Qualcomm Inc.

Francis P. Newell /fbc

Francis P. Newell
Peter Michael Ryan
COZEN O'CONNOR
1900 Market Street
Philadelphia, Pennsylvania 19103
fnewell@cozen.com
pryan@cozen.com

Ali M. Stoeppelwerth
Brian Boynton
Perry Lange
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
ali.stoeppelwerth@wilmerhale.com
brian.boynton@wilmerhale.com
perry.lange@wilmerhale.com

Counsel for Alcatel-Lucent USA Inc.



Richard S. Taffet
Derek Care
BINGHAM MCCUTCHEN LLP
399 Park Avenue
New York, NY 10022-4689
richard.taffet@bingham.com
derek.care@bingham.com

William S.D. Cravens
BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Washington, DC 20006-1806
william.cravens@bingham.com

Stephen W. Armstrong
MONTGOMERY, MCCRACKEN,
WALKER & RHOADS, LLP
123 South Broad Street
Philadelphia, PA 19109
sarmstrong@mmwr.com

Counsel for 3GPP

SO ORDERED this 25th day of Sept., 2013



The Honorable Robert F. Kelly
Senior United States District Judge